

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD A. BRINSKELE, et al.,

Defendants.

Case No. 17-cv-01410 CW

**ORDER GRANTING RENEWED
MOTIONS TO SET ASIDE
DEFAULT AND SETTING CASE
SCHEDULE**

Dkt. Nos. 89, 92

Now pending before the Court are renewed motions by Defendants Edward A. Brinskele and Rebecca B. Brinskele, respectively, to set aside the default entered against each of them. *See* Docket Nos. 89, 92. The Court finds that each Defendant has shown good cause under Federal Rule of Civil Procedure 55(c) to set aside the default entered against each of them. Accordingly, the Court GRANTS both motions. The Clerk shall set aside the default entered against Defendants Edward A. Brinskele and Rebecca B. Brinskele.

According to their latest filings, the contact information for each Defendant is the following:

Edward A. Brinskele
448 Ignacio Blvd., Suite #330
Novato, California 94949
Ed@MarinInternational.com
Telephone: 415-717-8050

Rebecca B. Brinskele
448 Ignacio Blvd., Suite #330
Novato, California 94949
Rebecca@MarinInternational.com
Telephone: 415-717-8050

1 The Clerk shall update the docket with this contact information. Defendants shall
2 immediately file a notice on the docket if their contact information changes.

3 On July 17, 2023, the Court ordered as follows:

4 No later than July 31, 2023, the United States shall file a statement
5 regarding its position as to the future course of this litigation and
6 any motions it intends to file. . . . Defendants shall file a response
7 to the United States' statement no later than August 14, 2023. The
8 United States may file a reply no later than August 21, 2023.

9 Docket No. 62.

10 On July 28, 2023, the United States filed a statement in which it proposed the following
11 next steps:

12 [T]he United States proposes a limited-scope 30-day discovery
13 period in which the parties, including the United States, would
14 update their initial disclosures and/or other discovery responses to
15 reflect the current factual circumstances. No other additional
16 discovery would be permitted. The United States intends to
17 provide Defendants with updated Certificates of Assessments,
18 Payments, and Other Specified Matters for the relevant tax years
19 and other documents on which it intends to rely. Third, within 14
20 days of the close of the 30-day discovery period, the United States
21 intends, based on the current record, to move for summary
22 judgment in its favor on all claims. If the Court does not grant the
23 motion for summary judgment, the United States proposes that the
24 case management conference be scheduled after the Court rules to
25 set a pre-trial and trial schedule.

26 See Docket No. 64. Pursuant to the Court's order of July 17, 2023, the deadline for Defendants to
27 file a response was August 14, 2023. See Docket No. 62. Defendants failed to file a response by
28 that date.

Pursuant to the government's proposal, the Court orders as follows:

- (1) The parties shall have a thirty-day discovery period ending on May 6, 2024, to update
their initial disclosures and other discovery responses. The government shall provide
Defendants with updated Certificates of Assessments, Payments, and Other Specified
Matters for the relevant tax years and other documents on which it intends to rely. No
other discovery is permitted.

(2) No later than June 3, 2024, the government shall file a motion for summary judgment with respect to its claims against both Defendants in a single brief not to exceed 30 pages.

(3) No later than July 5, 2024, Defendants may file, jointly, an opposition to the government's summary judgment motion as well as their own cross-motion for summary judgment if they wish to file one; both the joint opposition to the government's summary judgment motion and the joint cross-motion for summary judgment shall be contained in a single brief not to exceed 50 pages.

(4) No later than August 5, 2024, the government may file, in a single brief of no more than 40 pages, a reply in support of its motion for summary judgment and an opposition to Defendants' cross-motion for summary judgment if one is filed.

(5) No later than August 26, 2024, Defendants may file, in a single brief of no more than 20 pages, a reply in support of their cross-motion for summary judgment if they filed one.

(6) The Court may set a hearing on the summary judgment motions after the briefing is completed. A case management conference may be scheduled after the Court rules on the parties' cross-motions for summary judgment.

IT IS SO ORDERED.

Dated: April 5, 2024



CLAUDIA WILKEN
United States District Judge